vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5841 OF 2007

Shri Madhukar Bhalmana Hulji & Ors. ... Petitioners

V/s.

State of Maharashtra & Ors. ... Respondents

Ms.Seema Chopda for Petitioner
Mr.Vijay Patil for Respondent No.2
Mr.S.K. Chinchalikar, AGP, for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 3, 2007**

P.C.:

. This petition challenges the award of the Labour Court in References (IDA) Nos.137 to 150, 160 to 178, 212, 221 and 246 of 1999 and 43 & 44 of 2002. The Labour Court has dismissed the References for various reasons. The Labour Court has rightly held that the workmen were retrenched on 15.10.1986, and that they were continued in service due to interim orders passed in Complaints (ULP) Nos.224 to 285 of 1986. These complaints were filed by the petitioners contending that they were informed that their services would stand terminated w.e.f. 15.10.1986 and by way of retrenchment. The petitioners pleaded in these complainants that they were entitled to be confirmed in service in view of the Kalelkar award. The termination of service, therefore, took effect during the pendency

of the complaints. However, they were continued in service only because of the interim orders.

2. The References in the present petition had been made in 1999 challenging the orders of termination passed on 15.10.1986. The Labour Court has rightly observed that besides the References being delayed, there was no case made out by the petitioners that their services had been illegally terminated. The petitioners were working on a project and after completion of the project their services came to an end. The petitioners also admittedly have not challenged the orders passed in the complaints. The Labour Court, therefore, cannot be faulted for having dismissed the References. In para 15 of its judgment, the Labour Court has considered the history of the litigation between the petitioners and the respondents and has held rightly that the petitioners are not entitled to any relief.

3. The learned advocate for the petitioners submits that the petitioners are project affected persons and, therefore, are entitled to be continued in service after acquisition of their lands for various projects. She submits that an assurance has been given by the State Government while acquiring their lands to employ 2 members of each project affected family and, therefore, the State must honour its commitment.

4. Assuming this submission of the learned advocate is correct, the very fact that the petitioners had challenged their dismissal after over 12 years would disentitle them to any relief in the References The wider issue as to whether the commitment of the State Government given to the project affected persons must be honoured is an issue which will have to be decided in appropriate proceedings.

5. Petition is rejected.